

REMARKS

Claims 5-21, 24, 27, 29, and 30 were pending. Claims 6, 7, 12, 13, 18, 19, 21, 24 and 27 are amended. Support for the amendments to claims 6, 7, 12, 13, 18, 19, 21, 24, and 27 may be found in the specification and claims as originally filed. No new matter is added. As a result, claims 5-21, 24, 27, 29, and 30 remain pending and at issue.

35 U.S.C. § 112 Rejection

The applicants respectfully submit that the rejection of claim 6 as indefinite is moot in view of the amendment to claim 6 provided herein. Thus, the applicants respectfully request withdrawal of the rejection of claim 6.

35 U.S.C. § 102 Rejections

The applicants respectfully traverse the rejection of claims 7-11, 24, 27, 29, and 30 as allegedly anticipated by U.S. Patent No. 2,149,489 to Ainsworth ("Ainsworth"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987). Each of claims 7-11, 24, 27, 29, and 30 recites a desktop organizer comprising in part a plate and a band attached to the plate through a hole in the plate. Ainsworth fails to disclose or suggest a band attached to a plate through a hole in a plate.

Ainsworth discloses a photo album that includes a hinged cover having a plurality of sheets 13 pasted to the hinged cover. The sheets 13 of the Ainsworth device are held in place by an elastic band 16 that is "connected to anchor studs 17." See Ainsworth, col. 2, lines 16-17. Ainsworth fails to disclose or suggest that the elastic band 16 is connected to the cover through holes in the cover. Thus, Ainsworth fails to disclose or suggest a band attached to a plate through a hole in the plate, as is recited in each of claims 7-11, 24, 27, 29, and 30. As a result, none of claims 7-11, 24, 27, 29, and 30 can be anticipated by Ainsworth and the applicants respectfully request withdrawal of the rejection of claims 7-11, 24, 27, 29, and 30.

35 U.S.C. § 103 Rejections

The applicants respectfully traverse the rejection of claims 5, 6, and 12-21 as allegedly obvious over Ainsworth in view of U.S. Patent No. 1,694,517 to Ross ("Ross"). To

establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” M.P.E.P. § 2143. The cited art fails to disclose or suggest all claim limitations. In particular, each of claims 5, 6, and 12-21 recites a vane including a tab and a tongue “each extending in a direction away from the second end [of the plate].” Ainsworth fails to disclose a tab and tongue of any sort as pointed out by the final action at page 4.

Ross discloses an index having individual cards A and each of the cards A has a pair of horizontally aligned tongues 5 and an upper marginal portion a. However, the tongues 5 and the marginal portion a extend in different directions. In particular, the tongues 5 extend laterally, parallel to ends of the unitary holder B, while the upper marginal portion a extends longitudinally, away from a bottom edge of the unitary holder B. Thus, Ross fails to disclose or suggest a tab and a tongue each extending in a direction away from a second end of the plate, because the tongues 5 of Ross extend in a direction parallel to the top and bottom edges of the unitary holder B. As a result, none of claims 5, 6, and 12-21 are obvious over any combination of Ainsworth and Ross because Ainsworth and Ross fail to disclose each and every element recited in claims 5, 6, and 12-21. The applicants respectfully request withdrawal of the rejection of claims 5, 6, and 12-21.

CONCLUSION


In view of this above amendments and remarks, the applicants submit the pending application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned agent.

No fee is believed due at this time. If any fee is due, please charge our Deposit Account No. 13-2855, under Order No. 29618/EL013, from which the undersigned is authorized to draw.

Respectfully submitted,

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